



July 25, 2012

Rule Fact Sheet

AMENDMENTS TO RULES CONCERNING DRINKING WATER STANDARDS AT 327 IAC 8-2, GROUND WATER STANDARDS AT 327 IAC 8-2.3, AND DISINFECTANTS AND DISINFECTION RULES AT 327 IAC 8-2.5

LSA Document #11-667

Overview

This rulemaking amends drinking water standards at 327 IAC 8-2, ground water standards at 327 IAC 8-2.3, and disinfectants and disinfection rules at 327 IAC 8-2.5.

Citations Affected

Amends the following:

- 327 IAC 8-2
- 327 IAC 8-2.3
- 327 IAC 8-2.5.

Affected Persons

The public drinking water supply in Indiana.

Reason(s) for the Rule

IDEM is updating its rule per changes made by the Environmental Protection Agency (EPA) to the National Primary Drinking Water Regulations.

Economic Impact of the Rule

Since Indiana is mirroring current federal rules by correcting an initial oversight by U.S. EPA, there is no additional fiscal impact beyond that was imposed by the federal rule.

Benefits of the Rule

As a result of revisions being made to this rulemaking to correct an unintentional exclusion of a requirement for ground water systems serving 500-9,999 people from the final federal rule, this rule will allow more routine compliance monitoring as intended for this category of public water systems (PWSs). These PWSs should have been required to monitor for both total trihalomethanes and haloacetic acids concentrations at two locations. Due to the error, the water systems were only required to monitor for either trihalomethanes or haloacetic

acids at two locations.

The other changes also serve to improve the rule by allowing better compliance by the entities. EPA has made minor, unrelated changes in the regulations by adding references to the list of analytical methods approved under the expedited approval process, removing references to outdated methods, and specifying a new source for the publication titled, "Technical Notes on Drinking Water Methods".

Description of the Rulemaking Project

In the draft rule language amending drinking water standards at 327 IAC 8-2, ground water standards at 327 IAC 8-2.3, and disinfectants and disinfection rules at 327 IAC 8-2.5, IDEM is updating its rule per changes made by the Environmental Protection Agency (EPA) to the National Primary Drinking Water Regulations, more specifically, a minor correction to the Stage 2 Disinfection and Disinfection Byproducts Rule and Changes in References to Analytical Methods (74 FR 30953, June 29, 2009). EPA promulgated the Stage 2 Disinfection and Disinfection Byproducts Rule on January 4, 2006. A requirement for ground water systems serving 500-9,999 people was unintentionally excluded from the final federal rule. As a result, the rule allow for less routine compliance monitoring than intended for this category of public water systems (PWSs). These PWSs should have been required to monitor for both total trihalomethanes (TTHM) and haloacetic acids (HAA5) concentrations at two locations. Due to the error, the water systems were only required to monitor for either TTHM or HAA5 at two locations.

EPA has also made minor, unrelated changes in the regulations by adding references to the list of analytical methods approved under the expedited approval process, removing references to outdated

methods, and specifying a new source for the publication titled "Technical Notes on Drinking Water Methods".

In 327 IAC 8-2.5-12 Routine monitoring; Stage 2 disinfection byproducts requirements, IDEM is adding footnote 1 language to the table as it was inadvertently left out of the prior rulemaking.

At the time EPA published the Stage 2 Disinfection rule at 74 FR 30953, IDEM had already drafted rule language for the affected sections for a different rulemaking, which had a deadline to be completed. IDEM completed that rulemaking (LSA Document #08-198) before initiating this rulemaking. IDEM's rule already allowed systems and labs to use any methods approved by IDEM and EPA, and the other changes made did not affect any system until April 2012.

Scheduled Hearings

First Public Hearing: May 23, 2012.

Second Public Hearing: July 25, 2012.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules are consistent with federal rules.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first

comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with Legislative Services.

IDEM Contact

Additional information regarding this action may be obtained from Kiran Verma, Rules Development Branch, Office of Legal Counsel, (317) 232-8899 or (800) 451-6027 (in Indiana).